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DEPARTMENT OF HOMELAND SECURITY
Committee on Transportation and Infrastructure
Subcommittee on Aviation
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STATUS OF THE FEDERAL FLIGHT DECK
OFFICER PROGRAM

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Good morning, Chairman Mica, Rep. DeFazio, and distinguished members of the Subcommittee on Aviation. I am pleased to appear before you on behalf of ADM James Loy to explain the Transportation Security Administration's (TSA) implementation of the Federal Flight Deck Officer (FFDO) program and to discuss with you the tremendous progress that TSA has made in implementing the program.

As you know, the Arming Pilots Against Terrorism Act (APATA), which was passed as part of the Homeland Security Act of 2002, requires TSA to establish a program to select, train, deputize, equip, and supervise volunteer pilots of air carriers for the purpose of defending the flight decks of passenger aircraft against acts of criminal violence and air piracy. TSA has strived to incorporate the FFDO program as another indispensable strand of the interlocking web of security—our "system of systems"—designed to prevent and deter future acts of terrorism against commercial aviation.

The most tangible evidence of TSA's commitment to the program, of course, is the 44 FFDOs that have already been selected, trained, and deputized as part of the FFDO prototype program. These individuals were assessed for their fitness to

participate in the program and have been rigorously trained. They now stand ready to defend aircraft flight decks against acts of terrorism or criminal violence as Federal law enforcement officers. TSA is also working vigorously toward implementing the full program. TSA currently estimates that several thousand FFDOs could be out in the field by the end of fiscal year 2004, provided Congress fully funds the program at levels requested by the Administration. We would be willing to provide detailed figures on FFDO deployment projections in a closed-door session or in some other forum not open to the public. Like the Federal Air Marshal (FAM) program, we believe the details of FFDO deployment should be closely guarded from those who might seek to attack our nation's civil aviation system.

Launching the FFDO Program and the Prototype Program:

APATA mandated that TSA establish the FFDO program by February 25, 2003, and TSA met this deadline. TSA's rapid progress was the result of the hard work of a cross-organizational Task Force of experts, comprised of persons with extensive experience in law enforcement and security operations and training, Federal acquisition, law enforcement and aviation personnel assessment, and aviation policy and law. The Task Force actively sought input from other levels of government and from private industry and employee groups on the direction of the program. The outreach included discussions with staff members in the House (including staff of this Subcommittee) and the Senate. Based on the Task Force's deliberations and consultations with stakeholders, TSA established the parameters of the program, which include FFDO eligibility and selection; FFDO training (including re-qualification training), deputation, and credentialing; weapons selection and procurement; secure transport of the firearm; and the division of responsibilities among FFDOs, non-FFDO pilots, and FAMs. The themes of the program include 1) mitigating risks to the fullest extent possible and reasonable, 2) working to minimize burdens on pilots, air carriers, and airports, 3) minimizing interruptions to airline schedules and business operations, 4) working within existing systems, 5) preserving the traditional role and authority of the Captain and of the FAM, and 6) emphasizing the responsibility and accountability of the volunteers.

One of the Task Force's key recommendations was to proceed initially with an FFDO prototype, which not only enabled the rapid deployment of the first class of pilots selected to participate in the program but also allowed TSA to evaluate

thoroughly the various elements of the program in real-world conditions. For the inaugural class, TSA solicited 100 nominations from the Air Line Pilots Association (ALPA) and the Coalition of Airline Pilots Association (CAPA). The nominees were examined to ensure that they met the eligibility requirements under the FFDO program. In addition, the nominees underwent a background investigation to verify employment, medical, military, criminal, and similar histories. The volunteers were also assessed on the basis of their physical and psychological fitness to carry and use a firearm as a deputized Federal law enforcement officer. It is important to note that none of these assessments are duplicative of other tests that pilots would have to pass in order to become or remain a qualified pilot on a passenger aircraft. For example, although pilots already undergo background checks to receive access cards to Security Identification Display Areas (SIDA) in airports, these background checks do not examine their legal qualification to carry a firearm.

Out of the 100 nominees, TSA selected a cross-section of pilots from different types of carriers and different types of aircraft to undergo training. Consistent with statutory requirements, TSA gave a general preference for volunteers who were former law enforcement officers or who served in the military. The preference was not an absolute preference; some individuals who did not serve previously as law enforcement officers or in the military were chosen and some who did possess such service were not selected. This was necessary in order to achieve a true cross-section of the community of airline pilots and to validate our training for volunteers with varying experience levels.

The selectees were trained at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia from April 13-19, 2003. The training curriculum included firearms training; weapons retention; and instruction on use of force policy and program operating procedures. During the training, TSA personnel continued to evaluate the volunteers' overall fitness for the program to ensure they do not otherwise present an unreasonable risk to transportation security or public safety. The trainees were assessed on (1) their ability to handle stress, in particular with regard to their ability to maintain sufficient composure to fly an aircraft after using deadly force; (2) their "commitment to mission," i.e. their understanding of their unique role as Federal law enforcement officers willing to abide by procedures and the national security mission as defined by law or by TSA, and (3) their level of good judgment during intense situations.

TSA deputized 44 FFDOs on April 19, 2003. These individuals are full-fledged FFDOs whose deputization remains in effect for five years, unless the deputization is revoked or lapses as a result of an FFDO's failure to undergo re-qualification on a semi-annual basis.

TSA is listening to and involving FFDOs actively, particularly the inaugural class, as the agency moves forward on refining the program further. We are already gaining valuable insight from their experience and very much welcome their observations. We sought feedback on, among other items, the suitability of the FLETC training facilities and the structure and composition of the training courses. Overall, the response from the FFDOs in these areas was extremely positive. Also, the majority of FFDOs agreed on the need for TSA to conduct periodic assessments to ensure that only those who exhibit the highest degree of professionalism and truly understand the gravity of their responsibilities should be deputized as FFDOs, and we have already made some adjustment based on their input.

In order to continue FFDO involvement in the future, TSA has established an around-the-clock hotline for FFDOs to provide input on issues relating to the program and to assist in resolving any issues that might arise. FFDOs can also send emails to a secured site, and conference calls with FFDOs are planned to solicit additional feedback. Moreover, two of the pilots from the inaugural class, who were selected by their peers as the most representative of what it takes to be an FFDO, were added to our review process to participate in any revisions of our operating procedures. All of the information learned from the inaugural class will be analyzed thoroughly. While TSA will continue to evaluate suggestions and the need for additional adjustments, the agency does not anticipate the need to make major revisions to the general program at this time.

Implementation of the General Program:

For the general program, instead of TSA soliciting nominations from ALPA and CAPA, interested individuals can complete a volunteer questionnaire on-line. A number of these individuals will be directed to take on-line assessments at one of over a dozen test centers located at hub airport cities throughout the country. The volunteers will also be assessed in personal interviews, and TSA will conduct background investigations on them. After a sufficient pool of eligible, qualified volunteers is accumulated, those individuals will be scheduled for training.

TSA has budgeted \$8 million for the FFDO program in FY2003. For FY2004, the Administration has requested an additional \$25 million. TSA believes that these funds will be sufficient to deploy large numbers of FFDOs. As I indicated earlier, I would be pleased to discuss specific deployment figures in a non-public setting.

As more and more pilots are deputized into the FFDO program, TSA's focus will necessarily shift to maintaining FFDOs' skills and readiness. An essential element of the program is the requirement that FFDOs undergo re-qualification on a semi-annual basis. During the re-qualification process, the FFDO completes additional training and must successfully pass any and all further examinations that are administered. Furthermore, personal information on the FFDO will be re-verified to ascertain that the individual remains eligible to participate in the program.

Many Members of Congress have expressed an interest in TSA entering into contracts with privately owned facilities for the purpose of re-qualifying FFDOs. Our current focus is on program start-up, and consequently, TSA is not yet ready to make any decision on whether re-qualification training should take place at Federal or TSA-approved private facilities, or some combination thereof. We will be in a better position to examine this issue later this year when we have more experience with the program.

Initial training of FFDOs should be conducted at a Federal facility in order to afford maximum opportunity for Federal law enforcement professionals overseeing the training of FFDO candidates to evaluate each individual's overall fitness for the program and to control the quality of the training. For similar reasons, all candidates for positions at other Federal law enforcement agencies undergo initial basic training at Federal facilities, and TSA perceives no reason why it should depart from this practice. Furthermore, with TSA and FLETC both now part of the Department of Homeland Security, we believe we are appropriately leveraging assets within the Department.

Firearm specifications, safe carriage, transport, accidental discharge, and unauthorized use are obviously of foremost concern to TSA. The firearm that TSA has selected for the FFDO program is a .40-caliber semi-automatic pistol. To proceed quickly on the prototype program, TSA procured a limited number of these weapons under a pre-existing General Services Administration schedule. TSA is working on and anticipates conducting a full and open competition in

which it will request manufacturers to bid based on TSA-issued specifications and procurement guidelines.

TSA has issued detailed requirements, contained in a "Standard Operating Procedure (SOP)," that govern the program. Among other things, the SOP sets forth how and when an FFDO must store, carry, and use a firearm. The SOP is designed to leverage the FFDOs' unique role in TSA's system of interlocking security systems, while mitigating both risks to and burdens on passengers, pilots, crewmembers, and air carriers, especially on aircraft and in airports. Consistent with APATA's stated, limited purpose for FFDOs, which is to protect the flight deck of passenger aircraft from acts of air piracy or criminal violence, the SOP ensures, in a reasonable manner, that the firearm will be both quickly accessible when needed to defend a flight deck and maximally secured when its use is not authorized. TSA has thoroughly weighed the advantages and disadvantages of the transport and carriage policies, and we believe that the SOP and training achieve an appropriate balance of security and convenience, especially considering that the primary role of a pilot—even an FFDO—is to navigate safely the aircraft.

One risk that Congress was especially wary of was the potential of catastrophic damage to an aircraft after accidental discharge of the firearm. Congress included a provision in APATA that requires TSA to undertake an analysis of the risk associated with various catastrophic failure scenarios, such as if the weapon used in the program were to be discharged into the avionics, electrical systems, cabin pressurization systems, or other vital systems. TSA has reviewed all research previously done on this issue, such as the study by Boeing, and submitted a Report to Congress that concluded that the redundant systems in modern aircraft would probably prevent the discharge of a firearm from resulting in a catastrophic failure. TSA is currently working with aircraft manufacturers and the Federal Aviation Administration to engineer and conduct tests, including live-fire .40-caliber firearms discharges, to evaluate that conclusion.

Finally, I would like to discuss the requirement, also in APATA, that TSA establish the standards for the provision by air carriers of self-defense training to its crew members. A Task Force has been chartered to address these issues, and it has already met with experts in self-defense, consulted with the medical community, and conducted listening sessions with airline industry and flight attendant representatives. TSA expects to issue a rule or guidance so that carriers can complete initial training within the 24 months required by APATA. As required by the legislation, TSA has designated its Assistant Administrator for

Training and Quality Performance to be responsible for administering crew member self-defense training.

Chairman Mica and members of the Subcommittee, this concludes my prepared remarks. I would be pleased to answer any questions.